

Office Action Summary

Application No.

09/852,829

Applicant(s)

LOWE ET AL.

Examiner

Cam Y T Truong

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-16 are pending in this Office Action.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The reference character 620 in figure 6 is not mentioned in the specification. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. A descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

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(n) Symbols . Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends . Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

The drawing is objected to because the reference character 620 in figure 6 has no label.

Thus, these elements do not give a viewer to fully understand without substantial analysis of detailed specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "the selected set of attributes" in page 20, line 13.

There is insufficient antecedent basis for this limitation in the claim.

Claims 2-5 are dependent on claim 1 respectively and therefore these claims are also rejected on that basis.

6. Claim 6 recites the limitation "the selected set of attributes" in page 21, line 14-

15. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 7 recites the limitation "the selected set of attributes" in page 21, lines 26-

27. There is insufficient antecedent basis for this limitation in the claim.

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Claims 8-11 are dependent on claim 7 respectively and therefore these claims are also rejected on that basis.

8. Claim 12 recites the limitation "the selected set of attributes" in page 22, line 25-26. There is insufficient antecedent basis for this limitation in the claim.

Claims 13-16 are dependent on claim 12 respectively and therefore these claims are also rejected on that basis.

9. Claim 3 recites the limitation "the subsystem attribute" in page 20, line 20-21. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 9 recites the limitation "the subsystem attribute" in page 22, line 4-5. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 14 recites the limitation "the subsystem attribute" in page 23, lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 1, 2, 5, 7, 8, 11, 12, 13 and 16 are rejected under 35 U.S.C.101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

As regarding claim 1:

While the preamble of the claim states, “a method for building a search query in a data processing system having a graphical user interface”, the claim fails to contain a computer that is used implemented the method so as to realize its functionality. Thus, claim 1 is merely abstract idea whereby “responsive to user input, dropping a graphical component representing a first system object onto a graphical component representing a query function; presenting a set of attributes of the first system object; and responsive to user selection, creating a search query from the selected set of attributes” is being processed without any links to a practical result in the technology arts and without computer manipulation.

As regarding claims 2 and 5 claim “a method” and do not positively recite the method that is implemented by a machine. Thus, claims 2 and 5 are merely abstract

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idea and are being processed without any links to a practical result in the technology arts and without computer manipulation.

As regarding claim 7:

While the preamble of the claim states, "a system for building a search query in a data processing system having a graphical user interface", the claim fails to contain a computer that is used implemented the method so as to realize its functionality. Thus, claim 7 is merely abstract idea whereby "dropping means, responsive to user input, for dropping a graphical component representing a first system object onto a graphical component representing a query function; presenting means for presenting a set of attributes of the first system object" is being processed without any links to a practical result in the technology arts and without computer manipulation.

Claims 8 and 11 claim "a method" and do not positively recite the method that is implemented by a machine. Thus, claims 8 and 11 are merely abstract idea and are being processed without any links to a practical result in the technology arts and without computer manipulation.

As regarding to claim 12:

While the preamble of the claim states, "a computer program product in a computer readable medium for building a search query in a data processing system having a graphical user interface", the claim fails to contain a computer that is used

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implemented the method so as to realize its functionality. Thus, claim 12 is merely abstract idea whereby "instructions, responsive to user input, for dropping a graphical component representing a first system object onto a graphical component representing a query function" is being processed without any links to a practical result in the technology arts and without computer manipulation.

Claims 13 and 16 claim "a method" and do not positively recite the method that is implemented by a machine. Thus, claims 13 and 16 are merely abstract idea and are being processed without any links to a practical result in the technology arts and without computer manipulation.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-4, 6-10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Barber et al (or hereinafter "Barber") (US 5579471).

As to claim 1, Barber teaches method for building a search query in a data processing system having a graphical user interface (fig. 5, col. 5, lines 22-29), comprising the steps of:

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“responsive to user input, dropping a graphical component representing a first system object onto a graphical component representing a query function” as responsive to user’s selection, an image query is constructed by moving selected image characteristic representations from a selection area to the image query area. For example, after user selects a Bears thumbnail 100 and a Water thumbnail 106, these two thumbnails are draped and dropped to window 90. In order to generate a query based on the thumbnails 100 and 106 are dropped in the example image window 90, a Run Query option is selected. The above information shows that the thumbnails are dropped onto the window 90 that is represented as a query function. Each thumbnail is represented as a first system object (fig. 5, col. 2, lines 65-67; col. 3, lines 1-2; col. 9, lines 37-51);

“presenting a set of attributes of the first system object” as displaying different color red and purple of the thumbnails on fig. 5 (col. 9, lines 24-28); and

“responsive to user selection, creating a search query from the selected set of attributes” as shown in fig. 8A, suppose that the Bears thumbnail was dragged and dropped on to the example image window. The color picker option is displayed in the pull down of fig. 8B enables the user to set an absolute color using a color picker process window. Accordingly, a segmented color pie chart is displayed. To select the displayed color, the user picks a pie segment by moving the cursor to the segment and clicking a mouse button. A following double-click anywhere in the pie chart will return the Color Picker process to the polychrome mode. Moving Red, Green or Blue sliders in the Color Picker window enables a user to mix a color directly. After selecting colors,

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the user selects Run Query option. The run query will search and find images that including Bears and selected colors. It means that the system creating a search query from selected set of colors for the Bears thumbnail (figs. 5&8A-8C, col. 10, lines 48-49; col. 11, lines 8-23; col. 7, lines 10-20).

As to claim 2, Barber teaches the claimed limitation “the step of using the search query to assemble a set of system objects having attributes similar to the selected set of attributes” as matching each image in database having colors similar to the selected set of colors (col. 17, lines 29-58).

As to claim 3, Barber teaches the claimed limitation “wherein the subsystem attribute is a graphical user interface (GUI) subsystem attribute” as v_color 91 is represented as a GUI subsystem attribute (fig. 5).

As to claim 4, Barber teaches the claimed limitation “the step of defining a search scope for assembling the set of system objects” as (col. 15, lines 3-20; col. 17, lines 35-40).

As to claim 6, Barber teaches the claimed limitations:

“ a bus system an input device connected to the bus system” as shown in fig. 1, wherein a data processing system 10 includes a processing unit 12, a video display unit 13 , and a cursor control system including a screen cursor 15 and a mouse 10. The

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cursor 15 is used to drag and drop thumbnails from the image characteristics window 24 to the image query construction window 23. One window 23 or 24 is represented as GUIs that provides through the cursor control 21 the ability to control the cursor 15 by movement of the mouse 16. The data processing system 10 is a computer (figs. 1&5, col. 4, lines 56-62; col. 5, lines 10-18). As shown in fig. 1, an input/output device 23 is connected indirectly to the bus 12 (Vora et al, US 5819273). Thus, the data processing system 10 has included a bus system that is used to connect to the mouse 10 for receiving user input;

“a memory connected to the bus system, wherein the memory includes a set of instructions” as the data processing system 10 further includes a data storage mechanism 17 which may include various peripheral drives and local memory utilized by the data processing system 10 to execute programs, control various hardware and software entities of the system and to store data. The data processing system 10 is a computer (col. 4, lines 62-67; col. 5, lines 3, lines 23-24). As shown in fig. 1, a memory is connected to the bus 12 (Vora et al, US 5819273). Thus, the data processing system 10 has included a bus system that is used to connect to memory. This memory includes programs. The programs are represented as instructions; and

“ a processing unit connected to the bus system” as the data processing system 10 includes a processing unit 12. This data processing system 10 is a computer (fig. 1, col. 4, lines 57-58; col. 3, lines 39-40). As shown in fig. 1, a memory is connected to the bus 12 (Vora et al, US 5819273). Thus, the data processing system 12 has included a

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bus system that is used to connect to a processing unit for controlling moving symbols on displays;

“wherein the processing unit, responsive to user input from the input device, executes the set of instructions to drop a graphical component representing a first system object onto a graphical component representing a query function” as the processing unit 12, responsive to user’s selection, an image query is constructed by moving selected image characteristic representations from a selection area to the image query area. For example, after user selects a Bears thumbnail 100 and a Water thumbnail 106, these two thumbnails are draped and dropped to window 90. In order to generate a query based on the thumbnails 100 and 106 are dropped in the example image window 90, a Run Query option is selected. The above information shows that the thumbnails are dropped onto the window 90 that is represented as a query function. Each thumbnail is represented as a first system object (fig. 5, col. 2, lines 66-67; col. 3, lines 1-2; col. 9, lines 37-51);

“the processing unit presents a set of attributes of the first system object” as the processing unit 12 displays different color red and purple of the thumbnails on fig. 5 (col. 9, lines 24-28), and

“responsive to user selection from the input device, the processing unit creates a search query from the selected set of attributes” as shown in fig. 8A, suppose that the Bears thumbnail was dragged and dropped on to the example image window. The color picker option is displayed in the pull down of fig. 8B enables the user to set an absolute color using a color picker process window. Accordingly, a segmented color pie chart is

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displayed. To select the displayed color, the user picks a pie segment by moving the cursor to the segment and clicking a mouse button. A following double-click anywhere in the pie chart will return the Color Picker process to the polychrome mode. Moving Red, Green or Blue sliders in the Color Picker window enables a user to mix a color directly. After selecting colors, the user selects Run Query option. The run query will search and find images that including Bears and selected colors. It means that the system creating a search query from selected set of colors for the Bears thumbnail (figs. 5&8A-8C, col. 10, lines 48-49; col. 11, lines 8-23; col. 7, lines 10-20).

As to claim 7, Barber teaches a system for building a search query in a data processing system having a graphical user interface (fig. 5, col. 5, lines 22-29), comprising:

“dropping means, responsive to user input, for dropping a graphical component representing a first system object onto a graphical component representing a query function” as responsive to user’s selection, an image query is constructed by moving selected image characteristic representations from a selection area to the image query area. For example, after user selects a Bears thumbnail 100 and a Water thumbnail 106, these two thumbnails are draped and dropped to window 90. In order to generate a query based on the thumbnails 100 and 106 are dropped in the example image window 90, a Run Query option is selected. The above information shows that the thumbnails are dropped onto the window 90 that is represented as a query function.

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Each thumbnail is represented as a first system object (fig. 5, col. 2, lines 65-67; col. 3, lines 1-2; col. 9, lines 37-51);

“presenting means for presenting a set of attributes of the first system object” as the processing unit 12 displays different color red and purple of the thumbnails on fig. 5 (col. 9, lines 24-28), and

“creating means, responsive to user selection, for creating a search query from the selected set of attributes” as shown in fig. 8A, suppose that the Bears thumbnail was dragged and dropped on to the example image window. The color picker option is displayed in the pull down of fig. 8B enables the user to set an absolute color using a color picker process window. Accordingly, a segmented color pie chart is displayed. To select the displayed color, the user picks a pie segment by moving the cursor to the segment and clicking a mouse button. A following double-click anywhere in the pie chart will return the Color Picker process to the polychrome mode. Moving Red, Green or Blue sliders in the Color Picker window enables a user to mix a color directly. After selecting colors, the user selects Run Query option. The run query will search and find images that including Bears and selected colors. It means that the system creating a search query from selected set of colors for the Bears thumbnail (figs. 5&8A-8C, col. 10, lines 48-49; col. 11, lines 8-23; col. 7, lines 10-20).

As to claim 8, Barber teaches the claimed limitation “using means for using the search query to assemble a set of system objects having attributes similar to the

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selected set of attributes” as matching each image in database having colors similar to the selected set of colors (col. 17, lines 29-58).

A to claim 9, Barber teaches the claimed limitation “wherein the subsystem attribute is a graphical user interface (GUI) subsystem attribute” as v color 91 is represented as a GUI subsystem attribute (fig. 5).

As to claim 10, Barber teaches the claimed limitation “defining means for defining a search scope for assembling the set of system objects” as (col. 15, lines 3-20; col. 17, lines 35-40).

As to claim 12, Barber teaches a computer program product in a computer a readable medium for building a search query in a data processing system having a graphical user interface (figs. 1& 5, col. 5, lines 22-29), comprising:

“instructions, responsive to user input, for dropping a graphical component representing a first system object onto a graphical component representing a query function” as responsive to user’s selection, an image query is constructed by moving selected image characteristic representations from a selection area to the image query area. For example, after user selects a Bears thumbnail 100 and a Water thumbnail 106, these two thumbnails are draped and dropped to window 90. In order to generate a query based on the thumbnails 100 and 106 are dropped in the example image

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window 90, a Run Query option is selected. The above information shows that the thumbnails are dropped onto the window 90 that is represented as a query function. Each thumbnail is represented as a first system object (fig. 5, col. 2, lines 65-67; col. 3, lines 1-2; col. 9, lines 37-51);

“instructions for presenting a set of attributes of the first system object” as displaying different color red and purple of the thumbnails on fig. 5 (col. 9, lines 24-28);

“instructions, responsive to user selection, for creating a search query from the selected set of attributes” as shown in fig. 8A, suppose that the Bears thumbnail was dragged and dropped on to the example image window. The color picker option is displayed in the pull down of fig. 8B enables the user to set an absolute color using a color picker process window. Accordingly, a segmented color pie chart is displayed. To select the displayed color, the user picks a pie segment by moving the cursor to the segment and clicking a mouse button. A following double-click anywhere in the pie chart will return the Color Picker process to the polychrome mode. Moving Red, Green or Blue sliders in the Color Picker window enables a user to mix a color directly. After selecting colors, the user selects Run Query option. The run query will search and find images that including Bears and selected colors. It means that the system creating a search query from selected set of colors for the Bears thumbnail (figs. 5&8A-8C, col. 10, lines 48-49; col. 11, lines 8-23; col. 7, lines 10-20).

As to claim 13, Barber teaches the claimed limitation “instructions for using the search query to assemble a set of system objects having attributes similar to the

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selected set of attributes” as matching each image in database having colors similar to the selected set of colors (col. 17, lines 29-58).

As to claim 14, Barber teaches the claimed limitation “wherein the subsystem attribute is a graphical user interface (GUI) subsystem attribute” as v color 91 is represented as a GUI subsystem attribute (fig. 5).

As to claim 15, Barber teaches the claimed limitation “instructions for defining a search scope for assembling the set of system objects” as (col. 15, lines 3-20; col. 17, lines 35-40).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 5, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al (or hereinafter “Barber”) (US 5579471) in view of Czerwinski et al (or hereinafter “Czerwinski”) (US 6188405).

As to claims 5, 11 and 16, Barber discloses the claimed limitation subject matter in claims 1, 7 and 12, except the claimed limitation “wherein the first system object represents the data processing system in a distributed computing environment”.

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Czerwinski teaches a user should be able to view and organize all objects, e.g., a picture or image and to edit on a selected object in a distributed computing environment (fig. 1, col. 8, lines 9-13; col. 9, lines 23-26).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Czerwinski's teaching of a user should be able to view and organize all objects and to edit on a selected object in a distributed computing environment to Barber's system in order to allow plurality of users from different locations to search/retrieve objects.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Neshatfar et al (US 6490581) discloses a system that allow a user to perform a query by selecting one or more objects and setting constraints using the graphical representation of object models. A query resolves the drag and drop constraints (Abstract, col. 7, lines 30-31). The disclosed subject matter is relevance for claims 1, 6, 7 and 12.

Kubalski et al, ObjectWorks Interaction Model-Integrating Multiple Views, 1993, pages 176-182 discloses an ObjectWorks interaction model that is based on the ability to drag most of the user interface components (col. Right, page 178, lines 33-35). The disclosed subject matter is relevance for claims 1, 6, 7 and 12.

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Contact Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cam-Y Truong
Patent Examiner
Art Unit 2162
12/12/2004